



## UNITED STATES PATENT AND TRADEMARK OFFICE

JUL 26 2005

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA VA 22314

In re Application of  
Tetsuji Sudoh et al  
Serial No.: 08/192,800  
Filed: February 7, 1994  
Attorney Docket No.: 1473063US

## : PETITION DECISION

This is in response to the petition under 37 CFR 1.181, filed May 31, 2005, requesting withdrawal of abandonment based on a timely reply

## BACKGROUND.


A review of the file history shows that the examiner mailed an Office action to applicant on June 2, 2004, setting a three month shortened statutory period for reply. The Office action summary sheet indicated the action to be a Final Office action, however, the text of the Office action did not confirm this status. Applicants conferred with the examiner by telephone to confirm that the Office action was a non-Final action. Applicants replied on September 2, 2004. The examiner mailed an Advisory action to applicants on September 16, 2004. Applicants again conferred with the examiner as to the status of the last Office action and were assured it was a non-Final action and the amendment proper. The examiner mailed a Notice of Abandonment to applicants on May 2, 2005. Applicants filed this petition requesting withdrawal of the abandonment in view of the Office action inconsistency and the examiner's assurances that the action was a non-Final action. In view of the evidence presented it is concluded that the Notice of Abandonment was mailed in error and is withdrawn with the mailing of this petition decision.

The petition is **GRANTED**.

The Office action of June 2, 2004, is determined to be a non-Final Office action and the amendment filed September 2, 2004, will be entered and the application will be forwarded to the examiner for further consideration.

Best Available Copy

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile sent to the general Office facsimile number, 571-273-8300.

  
Jasmine C. Chambers  
Director, Technology Center 1600

Best Available Copy



ATTORNEYS AT LAW

1940 DUKE STREET  
ALEXANDRIA, VIRGINIA 22314  
USA

(703) 413-3000  
(703) 413-2220 FACSIMILE

OBLONPAT@OBLON.COM

PATENT, TRADEMARK AND COPYRIGHT LAW  
AND RELATED FEDERAL AND ITC LITIGATION

WWW.OBLON.COM

**FACSIMILE**

PLEASE CALL US AT (703) 413-3000 IF THE MESSAGE YOU RECEIVE IS INCOMPLETE OR NOT LEGIBLE

<b>TO</b> NAME <u>Ex. McGarry</u> COMPANY/FIRM <u>USPTO</u> NUMBER OF PAGES INCLUDING COVER: <u>3</u>	DATE <u>June 7, 2006</u> FAX # <u>571/273-0761</u> CONFIRM FAX: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
<b>FROM</b> NAME <u>James J. Kelly, Ph.D.</u> DIRECT PHONE # <u>703/412-7058</u>	OUR REFERENCE <u>147303US0FWCI</u> YOUR REFERENCE <u>08/192,800</u>

**MESSAGE**

Per your request, I attach herewith a copy of the Petition Decision.

Unless otherwise indicated or obvious from the nature of the transmittal, the information contained in this facsimile message is attorney privileged and confidential information intended for the use of the individual or entity named above. If the reader of this message is not the intended recipient or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error or are not sure whether it is privileged, please immediately notify us by telephone and return the original message to us at the above address via the U.S. Postal Service at our Expense. Thank You.

Best Available Copy